

PLANNING COMMISSION  
MINUTES  
FOR MEETING HELD MARCH 31, 2009

**MEETING:** Shown herein is a summary of action taken at the Pine Bluff Planning Commission Meeting held March 31, 2009 at 4:00 p.m. in the City Hall Chambers.

**QUORUM:** Those members present included: Lou Taylor, Joe Clement, Frank Hartwick, Edward Long, David Lausten, Evelyn Blunt, Don Scott, Gordon Reese and Jesse Kearny.

**OTHERS**

**PRESENT:** Others present include: Jerre George, Regional Planner, Lakishia Hill, Zoning Official, and other concerned citizens.

**CALL TO**

**ORDER:** Chairman Taylor called to order the Pine Bluff Planning Commission meeting for March 31, 2009.

**CONSIDERATION  
OF MINUTES:**

February 2009 minutes were adopted.

**OLD BUSINESS:**

**Item 1:** Use Permit on Review request by Second C.H.A.N.G.E. Recovery Center to operate a homeless drug and alcohol treatment and transitional housing at 2002 W. 27<sup>th</sup> Avenue and 2003 W. 28<sup>th</sup> Avenues in a B-1 Neighborhood Business zone.

No one present to speak for this request.

Regional Planner George stated that Mr. Jackson had been informed within the last couple days that he would need to be present at the meeting and that his request would be the first item on the agenda.

Commissioner Reese said that he heard Lakishia tell Commission Chair Taylor that all inspections have been made and they passed.

Commissioner Clement asked what action the commission would like to take on this item.

Commissioner Reese stated that he feels the commission should act without a speaker for the request.

Commissioner Scott stated that this is the third time the item has come before the commission.

Commissioner Clement asked if there was anyone present to speak against the request. There were none.

Commissioner Long stated that he would like the applicant to be present so that the commissioners can speak with him.

Commissioner Clement asked Lakishia to inform the commission of a recent conversation with Mr. Jackson about the upcoming meeting.

Zoning Official Hill informed the commission that she spoke with Mr. Jackson the day before the meeting and informed him of the day and time of the meeting. She stated that when the meeting started she noticed that he was not present. She called him and got an answering service. She left a message reminding him of the meeting and informing him that his agenda item had been moved to last so that he would have time to attend the meeting.

Commissioner Long stated that he has questions for Mr. Jackson.

Commissioner Kearney asked how long the commission can hold this agenda item without acting on it.

Regional Planner George stated that would be in accordance with Robert's Rules of Order.

Zoning Official Hill stated that from a zoning standpoint something needs to be done because the business continues to operate illegally without a license.

Regional Planner George stated that she would recommend the commission to go ahead and act on the request.

Commissioner Clement stated that at the last meeting staff was asked if they would be okay with the request if policy and procedures were in place. The answer was yes. Now they have policy and procedures.

Regional Planner George stated that she wanted him to be present so that he could be told that his policy and procedures would be a part of his land use and the city can check.

Commissioner Long stated that Mr. Jackson has changed a couple of key words in the policies and procedures and those words need to be addressed.

Commissioner Clement asked what changes Mr. Jackson made to the document.

Zoning Official Hill stated that Mr. Jackson changed the word case manager to staff and he included emergency shelter as a description of the housing.

Commissioner Clement stated that he read the original document and it was clearly described not as an emergency shelter.

Zoning Official Hill stated it was originally not described as an emergency shelter but the change was requested by Mr. Jackson.

Regional Planner George stated that people occupying the homes are supposed to be recovering substance abusers and an emergency shelter should not be allowed in a place of that nature.

Commissioner Lausten stated that he feels the document should be adopted as it was originally written.

Zoning Official Hills stated that may be a problem because Mr. Jackson specifically requested the changes and he would need to be here to discuss the changes because the word staff is a general term and a case manager would be a trained individual.

Commissioner Clement asked for staff recommendation.

Regional Planner George stated that she does not have a problem with the location but the applicant does not have any policy or plan. If he would operate under the submitted rules and regulations the business would be all right.

Commissioner Reese stated that this is just a sleeping place and if the commission is going to dictate who can and can't sleep in a house then why not say drug dealers can't sleep in their houses.

Regional Planner George stated that there is a difference between a boarding house and a transitional home for substance abusers.

Commissioner Lausten stated that he is operating as a business.

Commissioner Clement stated that an emergency shelter is for someone who has a substance abuse problem and had an emergency need for shelter.

Regional Planner George stated that she does not think that is what he means. He wants to also be categorized as a homeless shelter as well as transitional housing.

Zoning Official Hill stated that the housing is not just a sleeping place. His request is for a specific type of business and Jerre and she feel that he should have guidelines. Because information governing this type of business is readily available there is no reason why this business should not have guidelines as well. This type of business should have regulations.

Commissioner Lausten stated that he agrees.

Commissioner Kearney made a motion to vote whether or not to proceed with an action in Mr. Jackson's absence.

Commissioner Lausten seconded the motion. He stated that he does not know if Mr. Jackson is in agreement with the document.

Zoning Official Hill stated that Mr. Jackson is in agreement with the document subject to the two changes.

Regional Planner George stated that she does not think the commission has to honor his request for changes.

Commissioner Lausten asked why Mr. Jackson would change the word case manager to staff.

Commissioner Reese stated that he may only have one case manager and he or she can not be at both houses but someone on staff may be able to be at each house.

Commissioner Kearney stated that the commission should decide if they want to vote on the issue or table the issue.

Commissioner Clement asked all in favor of voting on the issue to signify by saying "Aye". Then all opposed to signify with the same sign. The item was tabled until the April 2009 commission meeting.

#### **NEW BUSINESS:**

**Item 1:** Use Permit on Review request by Lifeway Learning Center, Inc. to operate a Day Care Center in an R-1 Residential zone, located in an existing commercial structure at 2610 W. 36<sup>th</sup> Avenue.

Ms. Cynthia Jackson spoke for this request.

Ms. Jackson read the letter submitted with the UPOR request. She stated that they are trying to get the learning center up to par to the point where children can survive socially, intellectually and academically. She stated that physically they have to grow but they also need to grow in other aspects such as intellectually and especially socially because they have to survive later on in life.

The letter, as read by Ms. Jackson, stated that:

"The learning center wants to serve four (4) months to five (5) year participants as well as 1<sup>st</sup> grade and 5<sup>th</sup> grade. We are planning to follow the ABC guidelines that the Department of Human Services provides. The lady that will primarily run the center will talk to you later about the curriculum. We are going to offer pre-school activities enhanced by arts, crafts, computer classes and developmental programs that will help develop social listening, communication and motor skills. It will be done through interactive and innovative activities. They will have homework to cultivate them into independent thinking. It will not just be a daycare. It will be a learning center with outside playground equipment. It will be a big deal that the community will appreciate. The students will have I.D. cards and t-shirts that will create a sense

of belonging for the students in relation to the facility. We will have as much parent involvement as possible so that we will have their input. There will be full-time and part-time certified teachers and van drivers. The program and curriculum will be designed to provide exciting experiences to guide and stimulate the growth and development of attitudes, understandings, concepts, appreciation, interests, skills, and similar psychological outcomes which lead to the “total” balanced individual – the “whole person.” Lifeway Learning Center, Inc., nurtures these traits which will carry over into their lives through carefully organized academic, physical, and fine art activities. Services are going to be offered full time child day care, part time after school care, and the center will accept drop-offs and walk-ins.”

Commission Chair Taylor asked if there were any questions of Ms. Jackson.

Commissioner Blunt asked if this is going to be a school.

Ms. Jackson stated that it will not be just a daycare but a school with a curriculum.

Commissioner Blunt stated that she wondered because she read 1<sup>st</sup> through 6<sup>th</sup> grade.

Mrs. Jackson stated that was referencing after school services.

Mr. Jackson stated that vans will pick up children after-school and bring them to the daycare for after school tutoring.

Commissioner Long asked if the organization is financially capable of bringing the building into compliance with city building codes.

Commission Chair Taylor asked the speaker to state his name for the record.

The speaker introduced himself as Fredrick Jackson. Mr. Jackson stated that he is capable. He said he has real estate in Pine Bluff and he been talking with agencies. SBA has good programs that have 90% guarantees on loans. Financing will not be an issue.

Commissioner Long stated it will cost a considerable amount of money.

Mr. Jackson agreed and stated that it will cost between five \$500,00 to \$700,00.

Commissioner Long asked where the students will come from. He asked if they will come from the neighborhood or the whole city.

Mr. Jackson stated that they estimate the students will come from within a fifteen (15) mile radius.

Commissioner long asked if students will be bused in.

Mr. Jackson stated that no students will be bused in because it will just be a daycare. He explained that Ms. Jackson referred to the center as a school because it will be a daycare.

Commissioner Long asked if it will be a school in the evening.

Mr. Jackson stated that it will be an after-school tutoring program.

Mrs. Jackson stated that children will have someone there to help them with their homework to enhance their learning.

Commissioner Lausten informed the applicants that they have to be careful how they classify the business because the regulations depend on the classification.

Mr. Jackson said it will be a daycare facility. He stated that you have to be careful with the use of words for banks, too.

Commission Chair Taylor asked if there was anyone else present to speak for the request.

Lisa Goodwin stated that she is a resident of Pine Bluff and has been teaching for fourteen (14) years in Head Start. She has a Bachelor's Degree in Early Education and has a CDA. She stated that she will run the facility. The center will help the children from kindergarten to 1<sup>st</sup> grade. The center will be a learning facility and daycare. The center will be staffed with people that have the right education and qualifications. They will abide by all guidelines and hope to rise above the guidelines because they want to have a quality facility.

Commission Chair Taylor asked commissioners if they had any questions of Mrs. Goodwin.

Commissioner Blunt stated that the application listed the business as Lifeway Learning Center but they have referred to the business as a daycare. She asked for clarification.

Regional Planner George stated the business will be a daycare center with attributes to help the children learn and have a structured environment.

Mrs. Goodwin stated they will help them develop social skills to help them become productive citizens.

Commission Chair Taylor asked if there were any further questions of Mrs. Goodwin. Since there were none he asked if there were any speakers against the request.

Mrs. Patsy Strode of 4100 S. Fir spoke against the request. Mrs. Strode stated that this proposal will affect the neighborhoods from Old Warren Road all the way down to 42<sup>nd</sup> Avenue. A block away from 42<sup>nd</sup> Avenue is Southwood School. The only two outlets from Southwood School are Hazel Street and 42<sup>nd</sup> Avenue. Both of those streets carry a tremendous amount of traffic. She said she follows that road from 7:15am in the morning to 9:00pm at night and there is a tremendous amount of traffic. She lives two blocks from Southwood where school traffic is always heavy. She also noticed that some public schools have closed in Pine Bluff. They have been made smaller and that should be considered.

Mrs. Strode stated that at one time she could not get something delivered to her home. An out of state truck would not delivery medical supplies to her home because she lived

on Fir Street. It took forever to convince them she was not located near the deep ditches. The building for the daycare is located by the ditches that hold a lot of water and create problems.

She stated that her main concern is more about traffic and how it will be handled. The second concern is the building is about the worst looking building of any place west of Olive Street. It is run down and looks quite unhealthy. She can remember going to visit patients in the 60's and 70's. It was run down then. It would be a really big renovation to make it healthy for children. Traffic and the health of children are two good concerns. There are many other vacant buildings in Pine Bluff. She stated that she does not hesitate to say congratulations on the idea. She said she has been in education for about 40 years and knows the concerns of putting together a good program. She has worked for the Department of Higher Education and knows that there is a shortage of teachers. She stated that she objects to the neighborhood having to take on extra responsibility. She also reminded the commission that the neighborhood has covenants and they describe the homes as single family dwellings. She says her home is worth less and less because the neighborhood gets five (5) and six (6) families in one house. The renovation of this building for a daycare will bring more traffic and with the apartment traffic in the area this is not a good idea.

Commissioner Long stated that business is in bad shape and stated that everyone has seen it. He asked if that building is brought up to code and improved, wouldn't it improve the neighborhood from what there is now.

Mrs. Strode said not necessarily. She stated there are daycares and apartments already in the neighborhood. She stated that the neighborhood fed the school at 34<sup>th</sup> that has now been reduced down to a kindergarten school. Pine Bluff attendance and enrollment both are way down in the Pine Bluff schools and the younger children are where we have closed so many schools and combined them. Southwood is one of the bigger schools and we are going to have that traffic no matter what the building looks like. If it looks better the area will probably have three (3) times the traffic. It is very difficult to get past all the school buses coming from Old Warren Road and cutting through by the apartments. The neighborhood has all the traffic from I-530 heading to SEARK. That's a lot of traffic down Hazel Street and the only other way out is Fir Street. She stated she would like to see the money spent in Arkansas and in this community, but there are many vacant buildings in the city that are probably already up to code and would make a good home for this.

Commissioner Long stated that if the building is not restored it will have to be demolished.

Mrs. Strode stated that she agrees.

Commission Chair Taylor asked if there were any further questions of Mrs. Strode. Since there were none he asked if anyone else wanted to speak against the request.

Mr. Raymond Long stated that his house is located at the end of the old nursing home. It is his understanding that they want to tear out the old wash room and install a playground. He said his concern is the noise factor because he does not know how many

children will be there. They have said the business will be a learning center with grades kindergarten to 6<sup>th</sup> grade and he wants to know if they will come after school or be there all day long. How many children will be there for the daycare? He said he would like to see the business succeed but a lot of elderly people live in the neighborhood and he is concerned about the noise.

Commission Chair Taylor informed Mr. Long that there will be a maximum of 60 children and hours of operation will be 6am to 6pm Monday through Friday with the observance of major holidays. He also stated that children will range from 4 months of age to 5 years and at 5 years they will attend school. So there will be babies during the day and older children during after-school hours.

Mr. Long stated that the area only has a two-lane road, and he is concerned about the safety on that road and the noise factor of the day care.

Commission Chair Taylor stated he would hear one additional speaker against the request.

Mrs. Connie Fuller of 2307 W. 38<sup>th</sup> Avenue stepped forward to speak against the request. Mrs. Fuller asked who owns the building.

Regional Planner George stated that the county records show that the applicant is the owner.

Mrs. Fuller asked if the Health Department has inspected the building.

Zoning Official Hill stated that the application process has not reached that point. If the Commission approves the request the applicant will start an inspection process with the Inspection and Zoning Department that includes a Health Department Inspection.

Mrs. Fuller stated that the building has problems such as mold that will be an issue to the children's health. The business will also cause increased traffic. She stated that if the commissioners have not been to the neighborhood they need to. She stated she lives in the area and the streets can not accommodate the traffic.

Commissioner Lausten stated that his in-laws live in the area and he travels Fir Street often and he has not seen much traffic. He asked when the big congestion time frame is because he has not seen it.

Mrs. Fuller said it is when school lets out and when the hospital is off.

Commissioner Long stated that he lives off the intersection of Hazel and Ridgway and he stated that it can't be worse than that area.

Mr. Goodwin stated that she travels to work to SEARK between 7:00am and 7:15am and passes 5 to 6 school buses between 41<sup>st</sup> and Old Warren Road and on Old Warren Road she passes 7 school buses because of the apartments in the area. From about 3:00pm to 6:00pm traffic is bad and traffic studies have been done in that area and traffic was considered heavy.

Commissioner Long asked if the place needs to be boarded up right now.

Zoning Official Hill stated that she has spoken with Mr. Jackson and he came in to meet with the Chief Housing Inspector and she was in a meeting and unable to speak with him at that time but Mr. Jackson has agreed to secure the building.

Mr. Jackson stated that the doors are not down they just need to be secured so no one can walk in.

Commissioner Long stated that he knows it takes time to get financing but in the mean time the building should be boarded up.

Commission Chair Taylor stated that Mr. Jackson has agreed to secure the building.

Regional Planner George stated that he is not the perpetrator of all the building's problems. He has just recently purchased the building.

Commissioner Blunt stated that it should be taken into consideration that the applicants are going to renovate the building and do what the regulations require. She stated that she thinks they should be given that opportunity. When it comes to congested traffic, Pine Bluff, AR is congested and it is something that has to be worked out.

Commission Chair Taylor stated that the commission has heard the statements for and against the request. He asked for staff recommendation.

Regional Planner George stated that staff recommends approval of the request. She stated that it is an existing building that has been there for a while. It is a nonconforming building that has a nonconforming use in it. It is nonconforming because it is a commercial building in a residential neighborhood. Had the nursing home not moved out of the building it would still be a nursing home. If a nursing home had moved out, a similar use could have gone into the building within one year. The use could have gone into the building without coming to the Planning Commission. Because the building has been vacant for more than a year, the city wants to give the property owner the opportunity to utilize their property. That is why they are allowed to come before the commission. The building will have to be brought up to code before anything can occupy the building. She stated that she is sure there are traffic problems and there usually is in a neighborhood that is well built up. Fir is a major street and 36<sup>th</sup> is a major street but Old Warren Road and Hazel Street is within 3 blocks and they are not the only ways to get out if there was an emergency in the neighborhood.

She stated that she lives out in Watson Chapel and traffic backs up down Sulpher Springs Road. This happens in neighborhoods with schools. A number of years ago the Zoning Ordinance was revised for daycare family homes and daycare centers because there were so many. In many instances in the daycare family home, the state and the city allowed up to 12 people in an 800 square foot house. So the regulations were changed so that children would not be crowded and so that more children would be directed into daycare centers. It was suggested that daycare family homes be limited to five (5) children and The Department of Human Services objected because they felt there were not enough

places for children to go. So they were allowed to keep more children but were given more regulations such as parking. Staff feels like there is a large need for more daycare centers instead of just daycare family homes.

The proposed location has a large parking lot for drop-off and pick-up of children. It appears that the facility's design would be suitable for the proposed use. Therefore, staff recommends approval of the UPOR request subject to the refurbishing and striping of the parking with design approval by the Zoning Staff. There shall be no parking on adjacent streets or other properties. The building must be brought up to code and the site must meet all other City and State regulations.

Commission Chair Taylor asked if there were any questions of staff from commissioners.

Commissioner Reese abstained due to the fact that he has property in the area.

Commissioner Blunt stated that she thinks this would be a good idea for the future.

Commissioner Clement stated that he thinks that building is in terrible shape. He stated that the lot is bigger than a normal residential lot but there are lots in Pine Bluff with a single house on them that are about the same size. If there are 60 daycare children and 15 after school children on a lot that is just a little bit bigger than a residential lot located adjacent to streets with access problems, problems may arise. He stated that the commission does not have enough information and he is not comfortable with approving the business the way it is currently presented.

Commissioner Scott stated that this request reminds him of a previous request for a commercial business in a residential zone. He feels that the business should never have been there and he agrees with Mr. Long. He agrees that he would not want children at his back door screaming and playing during the day. Therefore he feels he would have to deny the application.

Mr. Jackson stated that he thinks the property behind the daycare is for sale.

Property owners stated that it is not for sale.

Commission Chair Taylor asked for a motion on staff recommendation.

Commissioner Blunt started the motion on staff recommendation to approve the request.

Commissioner Kearney seconded the motion.

Commission Chair Taylor asked if there was any discussion of the motion. Since there was none he asked all in favor of staff recommendation to signify by saying "Aye". Then all opposed to signify with the same sign. Commissioners Blunt, Kearney and Lausten voted in favor of the motion. Commissioners Hartwick, Scott, Clement and Long voted against the motion and Commissioner Reese abstained. The motion failed because the commission did not obtain a majority vote.

**Item 2:** Use Permit on Review request by Allan McKnight to reside in a single-family dwelling and operate a used appliance sales and repair business out of it in a B-4 Commercial zone, located at 1303 S. Main Street.

Mr. Allan McKnight spoke for this request. He stated that he does not have a lot of money but the money he did have he has invested it in the City of Pine Bluff. Mr. McKnight stated that he tries to put forth a positive image for young people to see so that they will move forward too. People like to say Pine Bluff is dying and he thinks that if they see other people doing something they may want to do something positive as well. He stated that he wants to do appliance sales. In a house you can not do a million dollar business, but you can do enough to pay bills. He asked commissioners to look at his submitted drawing. He showed that he has two access points to his property. He stated that he believes that if you do right then right will follow you and if you respect your neighbor, your neighbor will respect you.

Commissioner Taylor asked if there were any questions of Mr. McKnight.

Commissioner Long asked if he received a copy of the conditions stating that he could not store anything on the property.

Commissioner Long stated that by its very definition Main Street is Main Street and we are trying to clean the city up. The place looks bad enough now and if he is allowed to move across the street it is going to look even worse.

Mr. McKnight stated that he is building a brand new retaining wall for the yard and new porch rails. He stated that he does not have a lot of money but he is doing these things because he does not believe in excuses and he finds a way to get these things done. He stated he has installed a new fence. He stated that he is 72 years old and did the work with his own hands.

Commissioner Scott stated that a concern might be that at some point appliances that don't fit inside the residence may be placed in the back yard inside the fence. He stated that what Mr. Long is expressing concern of existing issues and preventing issues in the future.

Mr. McKnight stated that he is against blight. The fence is 20' from the property line and anything that he has that needs to be discarded can be taken to the scrap yard.

Alderman Holcomb introduced herself and asked that the commission work with Mr. McKnight so that he can do his business. She said she is not asking for variances so that he won't do what he is suppose to do. Mrs. Holcomb stated that she travels this city everyday and there is lots of poverty and poor people who are unable to get their necessities. He is trying to make it in business on Main Street. If we make all absentee property owners clean up Main Street, Main Street would be better and he will not be the detriment to Main Street. She stated that she drives up and down Main Street everyday and has worked with downtown development since its conception. There are buildings down there that are almost falling down and they are owned by absentee property owners and rich folks that care nothing about those buildings and they have not been made to do anything. The business provides a service and basically they provide a service to poor

people and poor people need to have an opportunity to have a business to generate money. She said she is not saying he should be allowed to get around the things that he need to do but he should be helped. He is trying to be a small entrepreneur because everyone cannot be a big business person. So she asked that the commission help him to do what he needs to do and she asked him to do what he is supposed to do, but she says Main Street should not be used as an excuse because if the absentee property owners were made to do what they are suppose to do downtown Main Street would be built up.

Commissioner Kearney asked if there is any relationship between this request and the appliance store across the street.

Commission Chair Taylor asked Mr. McKnight if he operates out of the building across the street from his property.

Mr. McKnight stated that Mr. Fix It allows him to do repairs in the building.

Commission Chair Taylor asked his if he owns property from Main Street to State Street. He suggested he build a building on the property on State Street and install parking.

Mr. McKnight said he would have to write Barrack Obama to get stimulus money.

Regional Planner asked if the building across the street belong to someone else.

Mr. McKnight stated that as a friend he is allowed to use the space.

Regional Planner stated that the site plan shows parking but she did not see any.

Mr. McKnight stated that approximately 40 feet by 33 feet parking slab is behind the business.

Commission Chair Taylor asked how he gets to the parking.

Commissioner Clement stated there is a rolling gate on State Street.

Mr. McKnight stated that it can be accessed from Main Street.

Commissioner Clement asked Mr. McKnight if he planned to work outside or inside.

Mr. McKnight said he would work inside and outside on nice days.

Zoning Official Hill stated that she has informed Mr. McKnight that he cannot store or work on appliances outside.

Commissioner Long asked if the appliances at Mr. Fix It belong to Mr. McKnight.

Mr. McKnight stated that they are his appliances.

Commission Chair Taylor asked if there were any further questions of Mr. McKnight. Since there were none he asked for more speakers for or against the request. Since there were none he asked for staff recommendation.

Regional Planner George stated that she did not know he had parking in the rear yard. She stated that staff recommended denial of the request because the property did not seem conducive to that type of business because all repair work would have to be done inside the house. Work could not be done in a separate structure without special permission. In addition, this type of use usually has outside storage. However if the Planning Commission desires to approve the request, it should be done under the following conditions;

1. That the applicant obtains a written agreement for shared parking with the closed restaurant building, if that new use requires the four parking spaces used for the applicant's business, then the applicant must reapply for a revised UPOR that provides for parking elsewhere.
2. That the UPOR is for the current applicant only and may not be transferred to future owners of the property.
3. That there will be no outside storage of any appliance, appliance parts, or other merchandise or equipment in any yard or porch.

Mr. McKnight stated that he has no plans to do repair work outside.

Alderman Holcomb asked what provisions are in place for people in this position to make it possible for them to be able to have a business. She asked in worst case scenarios when applicants are turned down how are small entrepreneurs helped.

Commissioner Blunt stated that she feels the commissioners don't want to not help him but they are trying to keep Main Street from looking bad.

Commissioner Lausten asked if Mr. McKnight would stop working across the street if he was allowed to operate out of his home.

Mr. McKnight stated that the business across the street is just a temporary arrangement out of friendship.

Commissioner Lausten asked if he would cease operations across the street if he is approved.

Mr. McKnight answered yes.

Commissioner Reese asked Mr. McKnight if he owns the house and how long he has lived there.

Mr. McKnight stated he owns the house and has lived there a long time.

Commissioner Reese asked how long he has had the arrangement with Mr. Fix It.

Mr. McKnight said he has been there for about four years and worked out of his truck before that arrangement.

Commission Chair Taylor asked if there were any questions of staff. Since there were none he asked for a motion on staff recommendation.

Commissioner Long started the motion to accept staff recommendation.

Commissioner Scott seconded the motion.

Commission Chair Taylor asked if there was any discussion of the motion. There was none.

Commissioner Long stated that he would like to see people succeed and he would be willing to give his vote but he would have to see the business cleaned up. He stated that Mr. McKnight has been asked to cease operation and clean up across the street but he has not agreed to do that.

Commission Chair Taylor asked all in favor of staff recommendation to signify by saying "Aye". Then all opposed to signify with the same sign. The motion on staff recommendation was unanimously approved. The request was denied.

Commissioner Long stated that he has known Mrs. Holcomb for many years and appreciates what she does but stated that two wrongs don't make a right and we need to start somewhere.

Commission Chair Taylor excused himself to go to a meeting.

Commission Vice Chair Clement took control of the meeting.

Alderman Holcomb stated that she started working on Main Street in 1989 and some of those same buildings were problems in 1989 and are still problems in 2009. She said she is not asking the commission to do something wrong but she feels that it is grossly wrong the way people are treated when they are not able to do things for themselves. He was not able to get him a lawyer to come and talk for him. There should be a way to work with the gentleman. If you are poor and disadvantaged you are at a disadvantage. She said she has been in every structure on Main Street from Barraque all the way down and there is no Taj Mahal down there and therefore this gentleman's structure will not be detriment to the City of Pine Bluff.

Commissioner Reese stated that he has been working with the City of Pine Bluff for a long time. In 1962 the City started trying to get JD Smith to clean up the wrecking yard and some fifty (50) years later we finally did. So don't give up on Main Street.

Alderman Holcomb stated that she is not giving up on Main Street. She explained that she believes there is a double standard. She said if you are a bank owner you have a right to build and let a building stay down there and this poor man is trying to make some money and he can't put one there.

Commissioner Reese stated that if a bank came in and wanted to do something wrong we would not let them.

Commission Vice Chair Clement thanked Alderwoman Holcomb and directed Mr. McKnight to speak with Lakishia if he wished to appeal the Planning Commission's decision.

**Item 3:** Preliminary Plat of Phase I of Willow Subdivision located west of the UAPB campus, which includes Jean Street and Gilbert Street, and that portion of N. Magnolia and Willow Streets located between them.

Larry Matthew, Public Works Coordinator for Community Development spoke for this request. Mr. Matthews stated that he is here hoping that he can get approval for the preliminary Willow Street Subdivision. We have several names for the subdivision. It is a joint venture between Pine Bluff, University of Arkansas, Jefferson County CDC and hopefully some state agencies that may be coming aboard on the project. The project has been on the table for five (5) or six (6) years. The project is receiving state wide and national attention and we seek your approval.

Commissioner Reese asked if the streets will have to be closed and if there are existing residences there.

Mr. Matthews stated that there will be a cul-de-sac and there are houses there that will be brought to code.

Alderwoman Holcomb stated that she thinks this is a great program and hopes the program passes.

Commission Vice Chair Clement asked if there was anyone present to speak against the request. Since there were none he asked for staff recommendation.

Regional Planner George stated that they have been working together on this project for ever and is glad to see that it is about to happen. As far as the plat goes, staff talked to the Street Department about the street and he stated that in some places they proposed to lay asphalt over existing asphalt and he would prefer that it be dug up and build a new street. An issue is the 20 mile per hour sign. Developers can not dictate City speed limits, so that will have to be worked out through Traffic Operations Committee. Entergy, United Water and Waste Water Utility will be contributing to this project. They will develop the plans and assist in the installation and upgrading of existing services. We will need up to date letters from the utility companies stating that the implementation will be within their design plan. The Fire Department wants to make sure that the water is installed according to the fire code and street right-of-ways are installed correctly and according to code. As a condition of approval, the developer has to consult with the Fire Department and United Water. Staff recommends approval of the preliminary plat subject to meeting the street manager's request and submittal of letters to Zoning Staff or Planning from Waste Water Utility and United Water.

Commission Vice Chair Clement asked if commissioners had any questions of staff. Since there was none he entertained a motion on staff recommendation.

Commissioner Hartwick started the motion.

Commissioner Blunt seconded the motion.

Commission Vice Chair Clement asked if there was any discussion of the motion. Since there was none, he asked all in favor of staff recommendation to signify by saying "Aye". Then all opposed to signify with the same sign. The motion on staff recommendation was unanimously approved. The request was approved.

### **COMMITTEE REPORTS:**

NONE

### **PLANNING DIRECTORS REPORT:**

Commissioner Long made his last Clean up Committee report. The Mayor contacted Mr. Long and has asked for a meeting in his office so that a move forward can begin, and hopefully, positive steps can be taken to move forward with the positive image of Pine Bluff. He stated that he is really looking forward to working with the Mayor, Aldermen and anyone else.

Commission Vice Chair Clement asked if there some action that the commission needs to take or have a future meeting on this item.

Commissioner Long stated that this is the final report and it is now in the hands of the City.

Commission Vice Chair Clement thanked the committee members for all their work.

Commissioner Blunt commended Commissioner Long.

Commissioner Long acknowledged Carol Billings, Jerre George, Evelyn Blunt, Robert Tucker, Mitzi Ruth and Lakishia Hill as hard workers in favor of this committee.

Regional Planner George stated that she thinks that streamlining code enforcement process is one of the best things that can be done.

Commissioner Long stated that there is a lot that goes into this process.

Commission Vice Chair Clement thanks the committee and moved to the next committee report.

Commission Vice Chair Clement stated that Regional Planner George forwarded him a copy of the amended By-Laws and he is in agreement with the By-Laws and suggested the commission adopts them.

Commission Vice Chair Clement asked if the City Council has to approve the By-Laws.

Regional Planner George stated that she does not think the Council has to approve them.

A motion was made and seconded to adopt the amended By-Laws. The By-laws were unanimously adopted.

**ADMINISTRATIVE MATTERS:**

NONE

**OPEN DISCUSSION:**

NONE

**ADJOURNMENT:**

Commission Chair Taylor entertained a motion to adjourn.

The motion was made and seconded.

Commission Chair Taylor adjourned the meeting.

**THESE MINUTES ARE ADOPTED THIS 28<sup>TH</sup> DAY OF APRIL 2009.**

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CHAIRMAN

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SECRETARY